UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/22122
21 January 1991

ORIGINAL: ENGLISH

LETTER DATED 21 JANUARY 1991 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO PRESIDENT OF THE SECURITY COUNCIL

On behalf of my Government, I request that you distribute as documents of the Security Council the following diplomatic notes which have been given to the Iraqi Chargé d'affaires in Washington. These notes concern the presence in the Persian Gulf of U.S. hospital ships, the Third Geneva Convention, and Iraqi treatment of prisoners of war.

The United States also protests the announcement of the intention of the Government of Iraq to hold prisoners of war as hostages or to use them as human shields in flagrant violation of the Third Geneva Convention of 1949.

(Signed) Thomas R. PICKERING

Annex I

The Government of the United States calls upon the Government of Iraq to respect its obligations under the International Laws of armed conflict including the Geneva Conventions on the protection of the victims of war and The Hague Conventions on the conduct of hostilities on land and at sea. The Government of the United States expects the Government of Iraq to respect its obligations under the Geneva Protocol of 1925 not to use chemical or biological weapons.

Hostilities must be conducted in a manner so as to minimize injury to civilians. The civilian population, as such, as well as individual civilians, should not be the object of attack. Medical personnel, medical facilities and hospital ships must be respected and protected at all times. In resolutions 670 (1990) and 674 (1990), the United Nations Security Council specifically called upon Iraq to abide by its obligations under the Fourth Geneva Convention.

The Government advises the Government of Iraq that the United States intends to treat captured members of the armed forces of Iraq in accordance with the Geneva Convention relative to the protection of prisoners of war. Iraqi prisoners of war will not be mistreated and will be provided humane and safe detention and medical care. They will not be exposed to danger, insults or public curiosity. They will not be maltreated or misused to obtain military information or for propaganda purposes. They will not be denied food, water or medical treatment. They will be safeguarded against harm during combat operations.

The United States expects Iraq to provide the same treatment to members of the U.S. and other coalition armed forces captured by Iraq, in accordance with Iraq's obligations under the Geneva Conventions. We specifically expect the Government of Iraq to provide documentation on prisoners of war in accordance with the convention and to provide the International Committee of the Red Cross with access to prisoners of war as will be done by the United States.

The Government of the United States reminds the Government of Iraq that under International Law, violations of the Geneva Conventions, the Geneva Protocol of 1925, or related International Laws of armed conflict are war crimes, and individuals guilty of such violations may be subject to prosecution at any time, without any statute of limitations. This includes members of the Iraqi armed forces and civilian government officials.

Department of State,
Washington, January 19, 1991

Annex II

The Government of the United States confirms to the Government of Iraq the earlier notification provided by circular note dated Washington, November 16, 1990, of the names and descriptions of the two United States military hospital ships present in the waters off the Arabian Peninsula, as well as their purpose and their markings.

The United States desires that all nations know of the presence of these hospital ships in the region and the expectation of the United States that those ships will be afforded the protections to which they are entitled under international law, including the Geneva Convention (II) of 12 August 1949 for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, to which all parties to the conflict are party. As noted in the circular note:

- The two hospital ships are "USNS Mercy" (T-AH 19) and "USNS Comfort" (T-AH 20). These two converted San Clemente class tankers, ex-SS Worth ex-SS Rose City, have identical characteristics: tonnage 54,367, gross, 35,958 net; dimensions feet (meters) 894 length, 105.6 width 32.8 draft, i.e. depth, (272.6 x 32.2 x 10 meters); one mast forward, one funnel aft.

- Both ships are equipped specially and solely to assist, treat, and transport wounded, sick, and shipwrecked.

- The exterior surfaces of both ships are white, with dark red crosses painted on each side of the hulls and on the horizontal surfaces.

Department of State,
Washington, January 19, 1991

Annex III

On January 19, 1991 the Government of the United States informed the Government of Iraq that it intends to treat captured members of the Iraqi armed forces fully in accordance with the Third Geneva Convention relative to the protection of prisoners of war and that the United States expects Iraq also to comply fully with this humanitarian convention.

The Government of the United States has heard audio recordings of Iraqi television broadcasts which purport to be interviews with captured American and coalition military personnel, and has heard other accounts of such broadcasts. The Government of Iraq appears to have subjected these men to unlawful treatment for propaganda purposes and coercion - both physical and mental - in order to secure information and statements from them. If these broadcasts are authentic, Iraq has committed serious violations of the Third Geneva Convention.

The Government of the United States protests the apparently unlawful coercion and misuse of prisoners of war for propaganda purposes, the failure to respect their honor and well-being, and the subjection of such individuals to public humiliation. All of these actions are in violation of the Convention.

The mistreatment of prisoners of war is a war crime, and the inhumane treatment of prisoners of war is a grave breach of the Convention. The United States demands that Iraq immediately desist from any further illegal action and that it respect its obligations under the Geneva Convention.

The Government of the United States again reminds the Government of Iraq that prisoners of war must at all times be humanely treated and must be afforded food, water, clothing and every guarantee of hygiene and healthfulness. It is requested that the International Committee of the Red Cross, which has representatives in Baghdad be provided immediate access to any prisoners of war.

Department of State,
Washington, January 20, 1991